

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1 - 5 are currently pending. Applicants amend claims 1 - 3. No new matter is introduced.

Allowable Claims

Applicants thank the Examiner for indicating that claims 1 – 3 and 5 would be allowable if rewritten to overcome the rejections under the second paragraph of 35 U.S.C. § 112, as described below.

Objections to the Drawings

The drawings are objected to under 37 C.F.R. § 1.83 (a) for failing to show every feature of the inventions specified in the claims. Specifically, the Examiner finds that the features of claim 4 (“deflection data displayed on [a] measurement device [that] can be outputted as an electronic signal”) are not shown in the drawings.

Applicants respectfully disagree with the Examiner’s finding. In independent claim 1, Applicants claim a linearity measuring apparatus including, *inter alia*, a measurement device further having a displaceable probe as a structural feature. The measurement device (39) and displaceable probe (39a) are illustrated schematically in each of FIGs. 1 – 4 and 7.

In claim 4, which depends from independent claim 1, Applicants further specify that the deflection data which is displayed by the measurement device 39 is capable of being outputted from the claimed measurement device 39 as an electronic signal. This feature of claim 4

introduces no additional apparatus, but simply describes an additional capability embodied within the claimed measurement device. Applicants submit that at the time of the present invention, dial indicators of the type illustrated schematically by measurement device 39 in FIGs. 1 – 4 and 7 would have been known to one skilled in the art as including a class of conventional dial indicators capable of outputting displayed data as an output signal.

Therefore, for at least the above-argued reasons, Applicants respectfully request that the objections to the drawings under 37 C.F.R. § 1.83 (a) be withdrawn.

Rejections under 35 U.S.C. §§ 112

Claims 1 – 5 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds that the term “one, two, or more straight tracks” as recited in claim 1 is indefinite, and is incompletely supported in the drawings by a single embodiment illustrating three tracks. In addition, the Examiner finds that the last line of claim 1 fails to end with a period.

Applicants amend independent claim 1 to replace the term “one, two, or more straight tracks” with the term “a plurality of straight tracks,” and submit that the amended term is both definite and adequately supported by the illustrated embodiment. Applicants also amend independent claim 1 to add the missing period, and to remove extraneous characters present at the end of the claim.

In addition, Applicants amend dependent claims 2 and 3 to address a formality and to provide consistency with amended independent claim 1.

Therefore, in view of the above-described claim amendments, Applicants respectfully request that the rejection of claims 1 – 5 under the second paragraph of 35 U.S.C. § 112 be withdrawn.

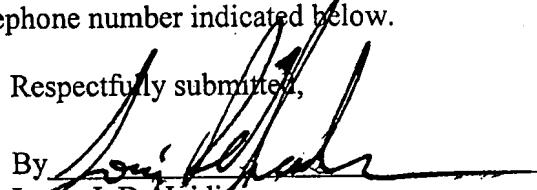
CONCLUSION

Each and every point raised in the non-final Office Action mailed July 3, 2002 has been addressed on the basis of the above amendments and remarks. In view of the foregoing, it is believed that claims 1 - 5 are in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 2, 2009

Respectfully submitted,

By 
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